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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-44683-2023****Date of Decision: 13.09.2023**

Arun alias Bhinda

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Ankur Malik, Advocate with
Mr. Zenith Dogra, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S. SHEKHAWAT, J. (ORAL)

1. The petitioner has filed the instant petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No.21 dated 12.01.2023 registered under Sections 379-A, 411 of IPC at Police Station City Gohana, District Sonipat (Annexure P-1).

2. The FIR in the present case was got registered by Ram Sunder Yadav son of Ram Bahadur Yadav by alleging that on 12.01.2023, he was standing at Old Bus Stand Gohana and was talking on his mobile phone. All of a sudden, a boy came from the back side and snatched his phone and ran away. The complainant shouted for help and with the help of passers by, the said boy was apprehended at the spot and the mobile phone was recovered from him. The police reached at the spot and the accused was formally arrested. With these allegations, the FIR in the present case was registered against the present petitioner.

3. Learned counsel for the petitioner contends that he has been falsely involved in the present case and was wrongly arrested on 12.01.2023. He further contends that the petitioner is in custody for the last more than eight months and challan has already been presented against him. He further contends that five witnesses, out of total eight witnesses, have been examined and even the complainant has already been examined. Thus, there are no chances of tampering with the evidence.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner is involved in a serious crime.

5. I have heard learned counsel for the parties and perused the record.

6. As per the case of the prosecution, the petitioner was arrested on 12.01.2023 and is in custody for the last eight months. Thus, the petitioner cannot be ordered to be incarcerated for any longer period. The material witnesses have already been examined and his further detention would not serve any meaningful purpose.

7. Without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

(N.S. SHEKHAWAT)
JUDGE

13.09.2023
hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No